

ENTERED

September 16, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA, §
§
§
Plaintiff, §
§
§
VS. § CIVIL ACTION NO. 7:20-cv-00400
§
0.062 ACRES OF LAND, more or less,
in STARR COUNTY, TEXAS; JOSE ROEL
MONTALVO; et al., §
§
§
Defendants. §

ORDER

The Court now considers the “Joint Stipulation and Motion for Entry of Order Establishing Just Compensation, Granting Possession[*sic*], Disbursing Funds on Deposit in the Court’s Registry, and Closing Case” filed by the United States and Defendants Jose Roel Montalvo, Ninfia Montalvo Mireles, Edna Montalvo Cantu, Anna (Ana Marie) Montalvo Garza, and Ameida Salinas, Starr County Tax Assessor-Collector.¹ Therein, the parties request the Court issue an order (1) establishing sixty-five and 00/100 dollars (\$65.00) as the total just compensation for the fee interests particularly described at Schedules “C”, “D”, and “E” of the Declaration;² (2) disbursing the stipulated just compensation, as directed below, from the funds on deposit in the Registry of the Court; (3) granting possession; and (4) closing this case on the Court’s docket.³

As grounds for their motion, the parties provide that:

The United States and Defendants confirm and agree that the full and just compensation payable by the United States for the taking of Tract RGV-RGC-2049

¹ Dkt. No. 34.

² Dkt. No. 1-1 at 5-15 (Schedules C, D, and E).

³ Dkt. No. 34 at 2, ¶ 5.

(hereafter, “Subject Property”) shall be the sum of sixty-five and 00/100 dollars (\$65.00) plus any accrued interest, which sum is all inclusive, for the taking of stated interests in the Subject Property. This sum is in full satisfaction of any claims of whatsoever nature by Defendants against the United States for the institution and prosecution of the above-captioned action.⁴

In light of this, the parties request that judgment be entered against the United States in the amount of sixty-five and 00/100 dollars (\$65.00) for the taking of Tract RGV-RGC-2049, along with any accrued interest. Based on the foregoing and because the parties are in agreement about the amount of compensation, the Court finds that just compensation has been established.

Additionally, Defendants warrant that:

Defendants, Jose Roel Montalvo, Ninfa Montalvo Mireles, Edna Montalvo Cantu and Anna (Ana Marie) Montalvo Garza, were the owners of the interest in the property taken in this proceeding on the respective date of taking, (b) that as a result of the outstanding property taxes held over the Subject Property and valid claim made by Starr County Tax Assessor/Collector, Starr County Tax Assessor/Collector has the exclusive right to the compensation set forth herein, excepting the interests of other parties having liens, encumbrances of record, and unpaid taxes and assessments, if any, and (c) no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.⁵

As a result, the parties “agree that Defendant, Starr County Tax Assessor-Collector, has a valid claim on the just compensation to be paid for the property” and seek immediate distribution of the total sum of sixty-five and 00/100 dollars (\$65.00), which remains on deposit in the Registry of the Court, along with any accrued interest earned thereon while on deposit, to be disbursed as follows:

- i. \$65.00 with accrued interest from the date of deposit to “Starr County Tax Assessor/Collector,” tax identification number 17794, on account of the taxes owed on the Subject Property.⁶

In light of the foregoing and because the order and motion are signed by all parties, the

⁴ *Id.* at 2–3, ¶ 5.a.

⁵ *Id.* at 4, ¶ 5.f.

⁶ *Id.* at 3–4.

Court **GRANTS** the parties' motion and enters a separate final judgment pursuant to the parties' stipulations.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 16th day of September 2021.



Micaela Alvarez
United States District Judge